

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ARTHUR L. WHITFIELD, III,)
Petitioner,)
)
v.) Civil Action No. 12-911
)
WARDEN D. SAUERS, et al.,)
Respondents.)

O R D E R

AND NOW, this 7th day of August, 2012, after a petition for a writ of habeas corpus was filed by the petitioner, Arthur L. Whitfield, III, and after a Report and Recommendation of the United States Magistrate Judge was issued, and the petitioner was accorded an opportunity to file written objections to it within fourteen days, and no objections having been filed, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the Magistrate Judge, which is adopted and incorporated as the opinion of this Court,

IT IS ORDERED that the petition of Arthur L. Whitfield, III for a writ of habeas corpus is dismissed without prejudice, subject to being renewed if and when he completes exhaustion of the available state court remedies, and because reasonable jurists could not conclude that a basis for appeal exists, that a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., if the petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided by Rule 3 F.R.App.P.



G. R. Hanan
Chief United States District Judge